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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,026	11/17/2003	Pil-Hee Lee	P3056/VIPC	2789
26530	7590	05/02/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			GUIDOTTI, LAURA COLE	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,026

Applicant(s)

LEE, PIL-HEE

Examiner

Laura C. Guidotti

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-8 is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Objections

1. Claims 1-4 are objected to because of the following informalities:

Claim 1 Lines 17-18 it is grammatically confusing as to what is meant by "...to *shuts* tightly the receiving groove."

In each of Claims 2-4, the Applicant has removed the claim number from which it depends. However, it appears that this has been a typographical error and the Examiner has assumed that each of Claims 2-4 depend from independent Claim 1.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent Claim 1 requires "...a number of receiving grooves into which the small-sized magnetic sheets are selectively received..." however Claim 2, which depends from Claim 1 requires "...an insertion groove...wherein the magnetic sheet...is inserted into the insertion groove..." It is unclear as to how the device can have *both* the receiving grooves and insertion grooves. Additionally, Claim 4, which depends from Claim 1, requires "...a receiving-space element having an opening...so that the magnetic sheet is selectively received into the receiving-space element..." It is unclear

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as to how the device can have *both* the receiving grooves for receiving the magnetic sheet and a receiving-space element having an opening to receiving the magnetic sheet.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Jameson et al., USPN 5,395,148.

Jameson et al. disclose the claimed invention including a device comprising a frame (21) that is capable of being connected to a sack-shaped dust cloth (such as the cuff 100) and a handle (50) that extends towards one side of the frame (the top side, see Figures), comprising a magnetic sheet provided in the frame (60 or 64), wherein the frame would be capable of being pulled towards an exterior of a vehicle by magnetism to provide friction (Column 1 Lines 54-60), and wherein the magnetic sheet is divided to form small-sized magnetic sheets (60 or 64; best shown in Figure 1; Column 3 Lines 6-8, 53-62), and wherein the duster further comprises a number of receiving grooves into which the magnetic sheets are selectively received (44; see Figure 3b; Column 4 Lines 8-15), wherein the receiving grooves are separated by diaphragms (70; Column 4 Lines 15-17) and are formed in the bottom of the frame (see Figures, in particular Figure 3b), sliding grooves formed at both lower sides of the receiving grooves (unlabeled, see

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Figure 3b, the grooves between the magnets and the frame into which the cover "90" extends), and a cover having sliding jaws (90; the "jaws" are the two pointed ends) inserted into sliding grooves is inserted into the frame to shut the receiving groove (see Figure 3b). In regards to Claim 2, the receiving grooves are also the insertion groove formed in the bottom of the frame (44) wherein the magnet is inserted into the insertion groove (Figure 3b) so that the magnetic sheet forms a flat surface along with the bottom of the frame (the magnetic sheet may be rectangular shaped, thereby the frame is capable of having a float surface along the bottom (Column 3 Lines 53-58). In regards to Claim 3, the Applicant is reminded that "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." In re Thorpe, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985). Therefore, in Claim 3, the frame and handle are integral (see Figures), is formed of a synthetic resin material (Column 3 Lines 3-6; Column 4 Lines 9-11) and the magnetic sheet is within the frame (see Figures). In regards to Claim 4, the receiving groove (44) is also considered to be a receiving-space element having an opening that is formed within the frame in a longitudinal direction (see Figure 3b; Column 4 Lines 8-15) so that the magnetic sheet is received into the receiving space element (Figure 3b), and an open/close plug (90) detachably attached to the opening (Figure 3b; Column 4 Lines 18-24).

Allowable Subject Matter

4. Claims 6-8 are allowed.
5. None of the prior art made of record includes a duster including a magnetic sheet provided in a frame that further includes a duster comprising a frame having a plurality of holes, a handle extending from one side of the frame, a sack-shaped cloth, a plurality of magnetic sheets that are capable of being inserted into each *circular hole* of the frame, *a plurality of caps*, each of which is capable of securely covering the hole to contain the respective magnetic sheet.

USPN 5,395,148 to Jameson et al., while it does include a circular hole, does not include a plurality of caps, each of which is capable of securely covering the hole.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4 and 6-8 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura C. Guidotti whose telephone number is (571) 272-1272. The examiner can normally be reached on Monday-Thursday, 7:30am - 5pm, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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SUPERVISORY PATENT EXAMINER